

Application No. 09/964,885
Amendment Dated September 11, 2003
Reply to Office Action of June 11, 2003

REMARKS/ARGUMENTS:

Claims 1 – 59 are currently pending in the application, with claims 1, 12, 24, 30 and 47 being independent. No amendments are made to the claims.

CLAIM REJECTION UNDER 35 U.S.C. § 103

In paragraph 3 of the Office Action, claims 1, 2, 6 – 13, 16 – 21, 23, 30 – 35, 37 – 48, 52 – 57 and 59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,132,070 to Vosika et al. in view of U.S. Patent No. 6,273,592 to Herst et al. Applicant respectfully traverses this rejection.

The Vosika and Herst patents clearly do not disclose, teach or suggest all the limitations of independent claims 1, 12, 30 and 47.

Each of independent claims 1, 12, 30 and 47 recites a mounting panel having a wall that extends upwardly and inwardly from an upper surface of a base at an outer edge of the base, such as second wall 31 shown in FIG. 1. Additionally, each of independent claims 1, 12, 30 and 47 recites a tab extending outwardly from the upwardly and inwardly extending wall. The tab is movable between an insertion position and an installed position in which the tab engages a slot in a frame. The inwardly extending wall allows the wall and tab to easily clear the frame when installing the mounting panel and securing the panel to the frame. The tab is then moved to an installed position to secure the panel to the frame. The movable tab allows for easy insertion and removal of the panel.

The Vosika patent discloses a self-aligning canopy structure 10 for an exit sign 14 with a standard wall-mounted electrical junction box, as shown in FIGS. 1 to 3. Walls 16, 18, 20 and 22 extend from a back wall 24 of the back cover 10. As is clearly shown in FIGS. 1 and 2, each of the walls 16, 18, 20 and 22 extend perpendicularly from back wall 34. Therefore, the Vosika patent does not disclose an upwardly and inwardly extending wall as recited in each of independent claims 1, 12, 30 and 47. Furthermore, the Vosika patent does not disclose a tab that is movable to an installed position to engage a corresponding slot, as noted by the Examiner in paragraph 3.

The Herst patent is cited for disclosing bendable tabs 71, 73 and 75 on a baffle 67 that fit into corresponding slots 77, 79 and 81 of baffle side rails 69, as shown in FIGS. 8, 8A and 8B. Since the Herst patent does not disclose a movable tab on a wall, which tab is movable

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from an insertion position, particularly within the periphery of a base, to an installed position, particularly extending laterally from the periphery of the base. This disclosure does not cure the deficiency in the Vosika patent noted above regarding the absence of an upwardly and inwardly extending wall from the base of the panel.

Moreover, the bendable tabs 71, 73 and 75 in Herst are not bent until after they are inserted through the slots 77, 79 and 81. Once the Herst tabs have been inserted in the slots, the tabs are then bent to maintain the tabs within the slots. Each of Applicant's independent claims 1, 12, 30 and 47 recites a tab that is movable to an installed position so that it engages a corresponding slot. The Herst tabs are not moved to engage the slots as recited in independent claims 1, 12, 30 and 47, and as would be required for the Herst tabs to be used on the Vosika canopy structure. Instead, the Herst tabs are moved after insertion to securely fix the tabs within the slots. If the Herst tabs are moved prior to insertion, the tabs would no longer be in position to be received by the slots, thereby not allowing the tabs to be received by the slots and rendering the addition of the Herst tabs to the Vosika canopy structure unsuited for its intended purpose. Thus, the Herst patent also does not cure the above noted deficiency in Vosika regarding the movable tabs.

Therefore, the Vosika and Herst patents do not disclose nor render obvious the features of Applicant's invention recited in independent claims 1, 12, 30 and 47. Since the Vosika and Herst patents do not disclose, teach, or suggest all of the limitations in claims 1, 12, 30 and 47, Applicant submits that claims 1, 12, 30 and 47 are allowable.

Claims 2, 6 – 11, 13, 16 – 21, 23, 31 – 35, 37 – 46, 48, 52 – 57 and 59, being dependent upon independent claims 1, 12, 30 and 47, respectively, are also allowable for the above reasons. Moreover, claims 2, 6 – 11, 13, 16 – 21, 23, 31 – 35, 37 – 46, 48, 52 – 57 and 59 are not anticipated nor rendered obvious by the cited patent, particularly within the overall claimed combination. For example, the opening in the base being quadrilateral of claims 2, 13, 35 and 48; a third tab extending substantially perpendicularly of claims 3, 14, 36 and 49; a fourth tab extending substantially perpendicularly of claims 4, 15, 37 and 50; the upwardly and inwardly extending wall forming an acute angle of claims 7, 18, 40 and 53; a slot extending through the base of claims 9, 20, 41 and 55; and the base, walls and tabs being unitarily formed of claims 11, 23, 44 and 57; are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination

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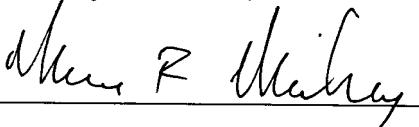
Allowable Subject Matter

Applicants note with appreciation the indication of allowable subject matter regarding claims 24 - 29 in paragraph 4. Applicant also notes with appreciation that objected to claims 3 - 5, 14 - 15, 22, 36, 49 - 51 and 58 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, as noted in paragraph 6.

* * *

In view of the foregoing comments, Applicant respectfully submits that claims 1 - 59 are allowable over the cited patents. Prompt and favorable action is solicited.

Respectfully Submitted,


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Dated: SEPTEMBER 11, 2003